THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.23089 OF 1999

BETWEEN:

V.Ravi Kumar .. Petitioner

And

Managing Director, APSPHCL.,Hyd. .. respondent

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.23089 OF 1999

O R D E R

Heard both the counsel.

2. This writ petition is filed for a writ of mandamus to declare the action of the respondents in denying the petitioner the benefit of awarding two advance increments from 1.5.1992, as illegal and arbitrary and consequently direct the respondents to sanction two advance increments with effect from 1.5.1992 in the time scale of Rs.3110-90-3200-110-3750-130-4400-160-5200-190-6380.

3. In the affidavit filed in support of the writ petition it is stated that the petitioner is a graduate in B.Tech (Civil) and he was appointed on 29.7.1991 in the A. P. State Police Housing Corporation Limited and his services were regularized with effect from 31.7.1992. As the petitioner acquired additional qualification of Master of Engineering (Civil) in the month of May, 1991 he is entitled for two advance increments with effect from 1.8.1992. Hence, the petitioner made an application on 15.12.1992 for sanction of two advance increments as per G.O.Ms.No.89 Finance and Planning Department dated 26.3.1980. The said application was rejected by the 1st respondent – Managing Director on 30.4.1993. Again the

petitioner made another application on 21.5.1993 and 21.3.1996 stating that earlier one person by name P.V.Bhasyambabu, who was Assistant Executive Engineer working at Cuddapah and was sanctioned advance increments consequent on his acquisition of post graduation qualification and, therefore, he may also be granted two advance increments on par with him. In the application he also stated that all other engineering departments have awarded two advance increments in terms of G.O.Ms.No.89. As there was no response, the petitioner made another representation on 21.3.1996. In 1993 the respondent – Corporation has implemented the revised pay scales with effect from 1.7.1992 and monitory benefits were given from 1.4.1993 and the Government by memo no.38461/279/A2/PC-II/94 dated 1.3.1995 clarified that the scheme of advance increments for possessing higher qualification as existed prior to 1993 pay scales has not been withdrawn. It is stated that G.O.Ms.No.182 dated 17.7.1987 Finance and Planning has clearly stated that the pay revision commission has recommended that the existing scheme of advance increments for acquiring higher qualification be continued. Therefore, the grievance of the petitioner is that though he acquired higher qualification and he is eligible for advance increments as per the memo of the Government and further as similarly situated person by name P.V.Bhasyambabu has been granted two advance increments, denial of the same to him is arbitrary and illegal.

4. The respondents filed a detailed counter affidavit. From a perusal of the said counter affidavit, though the respondents had given different details, but there is no specific

denial with regard to granting of two advance increments to the similarly situate person.

5. Therefore, in the light of the above circumstances and as the latest representation of the petitioner dated 21.3.1996 has not be considered, the writ petition is disposed of with the following direction:

6. The respondents shall consider and pass appropriate orders in accordance with law and per circulars in vogue on the representation of the petitioner dated 21.3.1996 within a period of four weeks from the date of receipt of a copy of this order. No costs.

AVS

05.07.2006